



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,507	06/05/2001	Robert Stanley Arling	10010130-1	5883
24737	7590	05/25/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,507

Applicant(s)

ARLING, ROBERT STANLEY

Examiner

Sana Al-Hashemi

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CH

DETAILED ACTION

1. This action is issued in response to applicant's amendment filed 3/24/05.
2. Claims 1-3 and 5-18 are amended. Claim 4 was canceled. No claims were added.
3. Claim Status: 1- 3 and 5-18 as amended are pending.
4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/05 has been entered.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, and 5-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans (US Patent No. 6,347,329).

Art Unit: 2161

Regarding Claims 1, 8, 9, 16, 17, and 18, Evans discloses a method of generating a medical¹ report, comprising:

displaying a plurality of pre-chosen findings comprising a plurality of medical condition that are associated with a particular portion or sub-portion of a living body, and a separate medical report simultaneously on an electronic display, the medical report comprising a summary section (see Fig. 5, 191, 193, 154, 151, column 6, lines 45-53, Evans);

selecting a pre-chosen finding based on a diagnosis of the particular portion or sub-portion of the body (see column 6, lines 54-59, Evans);

enabling a user to create a user-selected finding by entering data in said selected pre-chosen finding (Fig. 20, 334, Evans); and

automatically copying electronically said user-selected findings from the displayed pre-chosen findings into the summary section of the medical report upon an indication by a user that it is desired that said user-selected finding be add to the summary section (see column 5, lines 6-33, Evans²).

Regarding Claims 2, and 10, Evans discloses a method wherein the medical report further comprises a plurality of group sections, and automatically copying electronically each pre-chosen finding into a group section of the plurality of group sections which corresponds to the pre-chosen finding upon an indication by a user that it is desired that said user-selected finding be add to the summary section of the medical report (see column 5, lines 42-57, Evans).

Regarding Claims 3, 6, 11, and 14, Evans discloses a method further comprising:

¹ Examiner did not give the term "medical" any patentability weight since it is regarded as an intended use.

² Examiner reads the user is the health care provider and all the updates taking place upon their desire.

receiving for a second time a selection of said respective pre-chosen finding from the displayed pre-chosen findings, the second selection of said respective pre-chosen finding being previously selected and copied into the summary section of the medical report (see column 6, lines 55-64, Evans³); and

automatically removing electronically the second selected respective pre-chosen finding from the summary section of the medical report upon an indication by a user that it is desired that said user-selected finding be add to the summary section of the medical report (see column 10, lines 56-63, Evans⁴).

Regarding Claims 4, and 12, Evans discloses a method further comprising selecting the pre-chosen findings from a list of available findings (see Fig. 20, 334, Evans).

Regarding Claims 5, and 13, Evans discloses a method further comprising displaying on the electronic display an indicator next to the selected pre-chosen finding, separate from the medical report, so that specific information regarding the patient can be identified either from the display of the pre-chosen finding and identified in further detail in the medical report (see Fig. 20, indicator 001, Evans).

Regarding Claims 7, and 15, Evans discloses a method wherein the copying further comprises converting the selected pre-chosen finding into a more descriptive form before copying into the summary section (see Fig. 20, 335, Evans).

³ By allowing the user to select more than one form, reads on second form as the claimed limitation.

Conclusion

Response to Amendment

Applicant's arguments filed 3/24/05 have been fully considered but they are not persuasive.

Applicant argues that “Evan’s system fails to disclose, displaying a plurality of pre-chosen findings ..., and a separate medical report simultaneously on an electronic display.”

Examiner disagrees. The pre-chosen finding as disclosed in Fig. 20, 334 and 335, which allow the user to select from a pre-chosen list the diagnoses and the procedures, and each one of the steps (334, and 335, separately corresponds to the claim language, and refereeing to Fig. 22, 365, disclose the medical report generated on an electronic displayed simultaneously based on the user selection form the diagnoses and procedures selections.

⁴ The method of ending and restarting the process reads on removing data.

Art Unit: 2161

Points of Contact


Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013.

The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label

"PROPOSED" or "DRAFT". Hand-delivered response should be brought to

Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
May 23, 2005


Sana AL-Hashemi